IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital the July 12th , 2006

Criminal Misc. Second Bail Application No. 574 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Mohd. Shahid
S/o Shri Rashid
R/o 021 Naya Nagar
P.S. Kotwali
R/o Richcha
District Dehradun ….Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 84 of 2006
Session Trial No. 17/2005
P.S. Kotwali
District Dehradun

Hon'ble J.C.S. Rawat, J.

Heard Sri Sandeep Tandon learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. This is the second bail application. The first bail application was rejected on merit vide order dated 26.05.2005. The second bail application has been moved on the ground that the evidence of Liyakat (informer), brother of the deceased and Shakila Begam (fufi of the deceased) has been recorded. It was contended that there is no specific averment in the evidence that what was the nature of demand and from whom the dowry demand was made. It was further contended that there are vague allegations of the dowry demand. It was further contended that the evidence does not disclose that soon before the death the deceased was subjected to cruelty in connection with the dowry demand. Perusal of the record reveals that there is a prima facie case against the applicant with regard to the dowry demand and there is sufficient evidence to show that soon before the death the cruelty has been committed upon the deceased. Both the witnesses had stated that on 16.02.2004 the deceased came to her brother and Fufi and she stated them that she was subjected to cruelty and the accused was demanding dowry. Considering the contentions, facts and

not a fit case for bail. Therefore, the second bail application is hereby rejected. Rejected.

However, it is made clear that the observations made above shall not prejudice the trial court

(J.C.S. Rawat, J.)

Dated 12.07.2006

LSR